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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,361	10/31/2003	Czeslaw Radziejewski	REG 930A	3038

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REGENERON PHARMACEUTICALS, INC
777 OLD SAW MILL RIVER ROAD
TARRYTOWN, NY 10591

EXAMINER	
LUM, LEON YUN BON	

ART UNIT	PAPER NUMBER
1641	

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	**Application No.** 10/699,361	**Applicant(s)** RADZIEJEWSKI ET AL.	
	Examiner Leon Y. Lum	**Art Unit** 1641	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 06 May 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: *See Continuation Sheet*. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: *17-20,22,25-33 and 36*.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.

LONG V. LE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600

05/27/05

Continuation of 3. NOTE: The addition of the limitation "that are raised against a single antigen" in claims 17, 25, and 28, and the limitation "(e) repeating steps (c) and (d) for each tested mAB" in claims 17, 25, 28, and 30 would require further consideration and searching because the claims presented prior to the amendment do not require monoclonal antibodies raised against a single antigen or a repetition of steps.

Continuation of 11. does NOT place the application in condition for allowance because: of the reasons set forth in the previous Office Action. The rejections made in the previous Office Action are therefore maintained. Furthermore, Applicants' arguments presented in the Remarks are not convincing, as presented in the reasons below.

On page 7, 3rd-4th paragraphs, of the Remarks, Applicants argue that Colyer et al do not disclose or suggest three limitations. With respect to the first limitation, "a method of classifying mAbs", the previous Office Action stated that mAbs are taught by Fagerstam et al, and provides the proper motivation of performing epitope mapping. With respect to the second limitation, "a method of grouping or distinguishing between mAbs raised against a single antigen" since this limitation is considered a new issue not previously presented and will not be entered (see statement above), the argument will therefore not be considered. With respect to the third limitation, " a method which requires determination of binding profiles", Colyer et al clearly teaches this limitation by disclosing the step of measuring the association of binding partner to immobilized polypeptide, as stated in the previous Office Action.

On page 7, 5th paragraph to page 8, 2nd paragraph, of the Remarks, Applicants argue that Fagerstam et al do not disclose or suggest three limitations. With respect to the first limitation, "immobilizing an antigen onto at lesat two biosensor surfaces", the previous Office Action stated that Colyer et al already teaches this limitation by disclosing immobilized polypeptides are discrete locations on a support. Therefore, Fagerstam et al is not needed to provided teaching of the instant limitation. With respect to the second limitation, "treating each biosensor surface with a different modifying agent", the previous Office Action once again states that Colyer et al already teaches this limitation by disclosing modifying each discrete location with a different enzyme and therefore, Fagerstam et al is not needed to provide this limitation. With respect to the third limitation, "classifying mAbs into groups on the basis of their binding profile for the same antigen differently modified", the previous Office Action stated that Fagerstam et al teach this limitation by disclosing the step of classifying mAbs, depending on the pattern of binding to HIV-1 core protein p24.

On page 7, 3rd-5th paragraphs, of the Remarks, Applicants contend that Fagerstam et al is not properly combined with Colyer et al since Fagerstam et al relies on the presence of unmodified epitope domains and combining the two references would destroy the purpose of Fagerstam et al. Applicants' arguments are not persuasive because references applied in combination cannot be traversed individually. As the primary reference, Colyer et al teach the modification of polypeptides using different enzymes at each discrete site. Therefore, the limitation of "treating each biosensor surface with a different agent" is covered by Colyer et al. As the secondary reference, Fagerstam et al is applied not to re-teach the instant limitation, but to provide teaching of classifying mAbs, depending on their binding patterns to one HIV-1 core protein p24. In combination, the core protein p24 could be modified at each site, and the step of classifying mAbs depending on how they bind to modified core protein p24 would still apply.

On page 8, 9th paragraph to page 9, 2nd paragraph, Applicants contend that Lin et al do not disclose or suggest four limitations. With respect to the first, third, and fourth limitations, it has been established in the previous Office Action and restated supra that Colyer et al and Fagerstam et al already teach these limitations in combination. Therefore, Applicants' arguments with respect to the first, third, and fourth limitations are moot. With respect to the second limitation, the previous Office Action stated that Lin et al teach the use of glutaraldehyde to modify collagen, and provide the motivation of determining the binding capacity of glutaraldehyde modified collagen. Since collagen is considered to be an antigen, there is reasonable expectation of success in including collagen antigen, as taught by Lin et al, in the method of Colyer et al and Fagerstam et al, since Colyer et al and Fagerstam et al teach mAbs that bind to antigens. In addition, Applicants do not provide an explanation on why Lin et al do not disclose or suggest the three limitations. Therefore, Applicants' arguments are not found convincing.

On page 9, 4th-6th paragraphs, Applicants argue that Otterness et al do not disclose, teach, or suggest four limitations. However, these four limitations are already taught by Colyer et al and Fagerstam et al, as established in the previous Office Action and restated supra. In addition, Applicants do not provide an explanation on why Otterness et al do not disclose, teach, or suggest the four limitations.

Therefore, Applicants' arguments are not found convincing and do not place the application in condition for allowance.